

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOE NATHAN SCOTT, JR.,

Case No. 3:16-cv-00719-RCJ-WGC

Plaintiff,

## ORDER

v.

STATE OF NEVADA et al.,

## Defendants.

## I. DISCUSSION

On February 16, 2017, this Court issued an order noting that Plaintiff had died in prison and confirmed the death in the NDOC inmate database. (ECF No. 5 at 1). Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

The 90-day period has passed and there has been no motion for substitution. As such, the Court dismisses the case.

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1       **II. CONCLUSION**

2       For the foregoing reasons, it is ordered that the Court dismisses this case pursuant  
3       to Fed. R. Civ. P. 25(a)(1).

4       It is further ordered that the Clerk of the Court shall enter judgment accordingly.

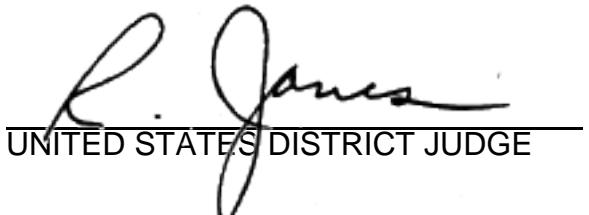
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6       DATED THIS June 14, 2017

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UNITED STATES DISTRICT JUDGE

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